

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

vs.

CIVIL NO. 10-930 MCA/LFG  
CRIM. NO. 06-2605 MCA

RICKY BARKSDALE GREEN,

Defendant-Movant.

**ORDER TO ANSWER**

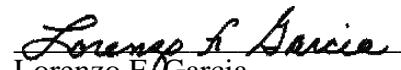
THIS MATTER comes before the Court *sua sponte*. On November 9, 2010, the Court entered an Order [Doc. 8] Granting Defendant-Movant Ricky Barksdale Green (“Green”)’s Motion to Supplement his Motion to Vacate filed under 28 U.S.C. § 2255. That Order granted Green’s request to amend his Motion to Vacate to add allegations of ineffective assistance of counsel. He was given until November 29, 2010 to file an Amended Motion to Vacate.

Plaintiff did not file an Amended Motion within the time allotted and has therefore waived any claim of ineffective assistance of counsel.

The original Motion to Vacate [Doc. 1] now stands as Plaintiff’s opening pleading in this action. Pursuant to Rule 4(b), Rules Governing Section 2255 Proceedings, the Court will order the United States to answer Green’s original Motion to Vacate.

IT IS THEREFORE ORDERED that the Clerk is directed to forward to the United States Attorney a copy of this Order.

IT IS FURTHER ORDERED that, within twenty-three days from entry of this Order, the United States shall answer the original Motion to Vacate [Doc. 1].

  
Lorenzo F. Garcia  
United States Magistrate Judge